2: Krige and Krige E-5 (1928-1939)1943
FX14 Lovedu FX14

692 can give only part of the answer. The exaggerated abhorrence of self-
682 help and the insistence upon *ku khumchwa*, side by side with the
627 tendency to regard blood as belonging to the queen (phrased as 'the head belongs to the chief'), has not driven the old procedures wholly out of the field. Old men say that 'blood' cases cannot be submitted to the *khɔrɔ*, yet they are second in number to *manyualo* cases. In theory, the procedure is that the victim, having notified his district head, runs to show his blood at the capital, messengers (*maharula*) of the queen are sent, not to institute an inquiry or conduct a trial, but to collect one goat from every married man in the district of the victim; and each *leharula* takes two goats for himself and gives the rest to the queen. We have never seen this procedure applied in practice; the danger of European intervention makes it wholly impracticable. Instead, the wounded person reports immediately to the district head, sometimes to the queen, or if the wound is not serious the parties settle the matter by *ku khumchwa*. The district head often arbitrates successfully; but he can neither try nor fine nor exact court fees. If the victim goes to the queen, she sends a *leharula* (and often more than one) who exacts one goat (the 'fee of the feet') from the assaulter and one from the victim (the 'stick for roasting meat') and should he settle the matter informally, for he cannot conduct a full-dress trial, he receives one further beast (the fine) from the wrong-doer. The latter is given to the queen; the goat given by the victim is killed for the *leharula*, who takes a hind leg to the queen's *khɔrɔ*, where it is eaten chiefly by the councillors; and the victim gets nothing. But if the *leharula* fails in his mission, which in practice means that the assaulter refuses to submit to him or denies his guilt, he is summoned to the *khɔrɔ* at the capital. There is no 'opening' fee, for 'blood' opens the *khɔrɔ*; sometimes the parties are ordered to settle the matter between themselves and sometimes the offender is fined one head of cattle, which goes to the queen, and one goat, which is killed for the *khɔrɔ*. Sometimes, however, a victim reports to the queen merely to obtain a letter to the Native Commissioner.

692 These general principles are subject in individual cases to many
●683 variations which reflect the transitional nature of the procedure and the adjustments that are being made by the society. We have been able to observe the cases that came before the *khɔrɔ* far more closely than those settled privately. In one case where a father intervened in a fight between his son and his son's wife, the son in anger stabbed the father; the *khɔrɔ* ordered the parties to become reconciled by *ku khumchwa*, the son to beg pardon with a goat. In similar circumstances, where a stranger intervened, the husband was ordered to clear the grass in the queen's garage. In another case the husband wounded the mother of a youth whom he found with his wife, because the mother interfered in the ensuing quarrel between the husband and the youth; the *khɔrɔ* told the youth to beg pardon with three goats but fined the husband one head of cattle and one goat. While the *amɔfajani* (whistling ancestors) were performing at a religious ceremony, one of them, very much intoxicated, blew his whistle in public and tried to drag one of the women away to the bush. A district head, an initiated man, forcibly ejected the offender, who next

2: Krige and Krige E-5 (1928-1939)1943
FX14 Lovedu FX14

morning assaulted him, but was worsted; the offender then reported his wound at the capital. A *lekwadi* was sent to collect the blood fine from the district head, but, not finding him, left a message summoning him to the *khoro*. There the case was discussed with only initiates of the *gumma* present. The men could not decide upon their course of action. They said, 'Let no one be angry. The district head did right, but we cannot carry out the law of the "school" (the man who reveals the *digwa* secrets must die). We cannot even impose a fine; no one knows what the fine should be. Let the matter rest.'

Khashani, working on a European farm, called his wife, whose baby was ill, to come to him. The baby died and Khashani, seeing 'medicine' on the fireplace, suspected and severely beat his sister's daughter as well as his sister. The case came to the *khoro of* the queen, which pointed out that *if*, as Khashani thought, his sister was a witch, he also probably was one. This did not satisfy Khashani, but his sister demanded back her cattle, and the *khoro*, attempting to isolate the struggle, said, 'We are discussing the "blood". You, Khashani, must pay your sister one head of cattle.' Khashani replied, 'That I agree to do. I shall even drive away my wife, so that I can return my sister's cattle.' The *khoro* was not much perturbed, since it thought that Khashani's threat was either bluff or the raving of a madman.

In the last case it was the victim, not the queen, who was awarded the head of cattle. The argument sometimes used by Lovedu men against such an award is better known in other tribes: it is that, if the victim is benefited, all he need do to become rich is to provoke others to fight him. And the theory held by those advancing this argument is that to spill blood is 'to break the queen's calabash', and therefore 'blood' cases must be submitted to the *khoro*. This is the view gaining ground, so that *makwadi*, going to collect the blood fine, become messengers summoning the parties to the queen's *khoro*, without, however, ignoring the position of the district heads. The whole procedure is in a state of flux, but we can see in outline how the blood feud has gradually receded as the kin groups become submerged by the district organization and how, as a consequence, the procedure of reconciliation gained so firm a hold that it maintains its stand against the forces making for centralization.

Not long ago the procedure appropriate to cases of witchcraft and sorcery was the ordeal (*muvo*); and though the *muvo* has given way in Lovedu to smelling out by the diviner (*mugwa*), it can still be seen further east among the Phalaborwa. The test takes various forms: drinking poison, usually an extract of *mwanawa* (*Datura stramonium*), licking a medicated stick or a heated hoe, removing a stone from boiling water, floating the kernels of *mupani* (*Oncoba spinosa*) in water and observing whether they separate or come together, sometimes accompanied by an oath or followed by the washing of hands or the squirting of water (*ku phasa*). All these are well-known in the lowveld, though the Lovedu used only or chiefly the first; but on the highveld, where witchcraft and sorcery are treated as private matters, there is no legal but only a magical method of dealing with them: the evil is sent back by a doctor privately employed by the victim. The Lovedu no longer rely upon the *muvo*,

2: Krige and Krige E-S (1928-1939)1943
FX14 Lovedu FX14

because it involves too great publicity and danger of European intervention, though they say, perhaps by way of rationalization, that the doctor of the ordeal could manipulate the test. As this procedure is merely of theoretical interest, we need refer only to its salient features.

The victim or his relative privately consulted a bone-throwing doctor, whose verdict he had confirmed by perhaps two or more other doctors before he or an intermediary on his behalf made a public accusation. The ordeal or test took place at the capital and was public. Lineal relatives of accuser and accused or, according to some, two strong men chosen by them, were given an intoxicating drink by the official 'doctor of the ordeal', the spectators watching to ensure that equal quantities were administered. Those who had drunk were put in the sun and he who began moving about or became dizzy, drunken, or incoherent was in the wrong. The witch was usually executed at once, at the orders of the queen, being strangled at the river; but if she was a woman, one of the executioners first had sexual intercourse with her; and the body, tied to a weight, was sunk into the water to be eaten by animals. But the witch was sometimes delivered to the victim to undo his evil work (*ku ea lwalo*), and if the illness left the victim the witch was released. Sometimes, also, suspected witches were beaten, tied up (nowadays, as we have seen, handcuffed and submitted to ridicule and abuse), and left without food or tortured with velvet stinging-beans until they confessed; this was sometimes done privately, and it was possible also to kill them without the public ordeal, the killing being reported to the queen; but usually they were merely banished.

The property of a witch who was killed was not all confiscated, but *lunu*, consisting chiefly of his cattle, was taken by the queen for division between herself and her nobles. No one else could appropriate *lunu*; even the village head, if he did so, was regarded as a thief. The witch's gardens reverted to the district head, the crops were taken, not by the queen, because she could not eat the 'flesh of the witch', but by the messengers of the queen, for they were so busy in her service that they could hardly cultivate their fields. Residents in the district surreptitiously during the night took the witch's crops, but it was regarded as disgraceful to do so openly during the day. The wife of a witch was taken by a classificatory brother, and his children were adopted by the queen, who received *mayenda* when she married the girls to her nobles (in more recent times, to commoners, because the girls often deserted). In the days of the kings, all the relatives, or, as some say, only those on the mother's side—the mother's uterine brothers and sisters especially—were killed. The queens had only a uterine brother or sister killed if they failed to leave the country. The witch, unlike a murderer, could not find sanctuary in the forest of Dzoe; and only a witch's, not a murderer's, property was *lunu*—confiscable property.

Since the beginning of this century submission of issues to ordeal has been replaced by their submission to the smelling-out diviner (*mugwai*). The institution of the *mugwai* has been borrowed from the Shangana-Tonga and its whole complicated legal procedure is still in a state of flux, adjustments being constantly made especially to avoid European intervention.

2: Krige and Krige E-5 (1928-1939)1943
FX14 Lovedu FX14

754
B853
787

Accusation of a specific person may lead to *khoro* proceedings[3] which involve, as described elsewhere, the appointment of the 'care', who receives a goat or 10s. from each party as well as provisions, a wager of a head of cattle, or £1 10s. or more, and payment, the vanquished eventually to reimburse the victor, of £1 10s. or more, as the fee of the *mugwau*. Occasionally in practice, if accused does not demand to have his innocence proved, the accuser does not go to court and the matter is left. All victims of witchcraft do not act in the same manner. One man proceeds to a specific accusation the very first time he is harmed, another only if the same witch has been responsible for many evils; if the witch is a great rival or personal enemy, the victim more readily resorts to action, but a commoner, unless he is prepared to leave the district, will be careful to avoid accusing his district head or a relative of the queen. A victim never makes an accusation without previous private consultation with a number of doctors and often even a *mugwau* as well, and the accusation is conveyed to the witch, either directly by the victim or indirectly by his intermediary, and usually in metaphorical language. In case of illness, the witch may be invited to 'come and *phaso* for our patient' or, in case of death, to 'come and shave us', duties which only special relatives can perform; or, more directly, he may be asked 'to come with us to consult the bones'. The accused will then demand to go to a *mugwau* to clear his name; if he does nothing, but merely remains inactive, his accuser may proceed further and take the case to the *khoro*.

When proceeding to a smeller-out, the parties have no definite destination. They set out in a north-easterly direction, where *mugwau* abound, usually with the intention of going somewhere very far away. After a day or two, however, they grow tired, or the official witness complains of the heat, and they find some one nearer. The witness has on his person an object called *phisho* that has been given to him by the court or at the royal village. This the smeller-out has to name and find, and it is said that, unless, in addition, he is able to give the totem of every one in the party and clearly to distinguish between accuser, accused, and official witness, they will pass on to some one else. How far this is carried out in practice we shall see later. It is sometimes said by Europeans that smellers-out have spies who bring them the information necessary for their divining. This would, however, be impossible: not only do people come from all directions or tribes, sometimes as far distant as Mapulanga beyond the Olifants River, but it would require an elaborate system of espionage that could hardly be kept secret from the people in the conditions that obtain in Bantu society. Moreover, the methods employed by smellers-out make such a system unnecessary. There is no doubt that *mugwau* are clever, and we have ourselves been amazed at the manner in which, under test conditions, a *mugwau* was able to name and find an object hidden on our person. But it must be borne in mind that they use a trial-and-error technique based upon the responses of the audience. Of course, the presence of a European is always a disturbing factor, but in our experience, after the first few responses, the *mugwau* begins to speak more and more loudly and quickly and a situation of free association of ideas and great suggestiveness arises. The consultants

3 [Accusation of witchcraft; see Gl. vii, pp. 803–8. — *Analyst*]

2: Krige and Krige E-5 (1928-1939)1943
FX14 Lovedu FX14

become less guarded and the *magwau*, skilled in his art, is able to draw conclusions from their reactions. A good deal of vagueness is permissible: the term *mukhulaga*, for example, can refer to a number of different totems: *mukhulaga* proper, *mukhulaga mawyai*, *mukhulaga ɓw* (elephant), and this applies also to other aspects of their divination. An actual example, albeit a case of theft, not witchcraft, will elucidate the methods employed.

Madana accused Bodile, his half-brother's son, of stealing £9. The case had been tried first at home, and then at the Native Commissioner's, where it had been dismissed owing to insufficient evidence. The parties decided to go to a smeller-out. On the second day of their journey, when they were resting under a tree to enable the official witness to take off his jacket, a small boy standing some way off said to them, 'There is a *magwau* over there.' He was a decoy watching the road to direct people to a diviner who had lately arrived and set up a temporary village of rough huts. Deciding that it was too hot to go further, the party followed the boy and sat down outside the village fence. A man approached them and, after ascertaining how much money they had to offer, showed them into an enclosure of old sacks. At the entrance stood the diviner himself, holding a stick under which the four of them were made to pass in single file. Diviners are said quite frequently to test their clients in some such manner; sometimes they are made to jump over a furrow and it is said the guilty man usually falls in.

When they had seated themselves on the ground, the diviner asked first of all for his money. The official witness handed him £1 5s., but he insisted on 10s. more, because, he said, it was a difficult case—one that had been much tried in other courts. Stick in hand, but without the use of any divining bones, the diviner began asking the party to respond (*ku vuma*). '*Ya vuma*,' they replied, and he proceeded with his chanting in a mixture of Sotho and Shangana-Tonga in sing-song phrases, at the end of which the clients had to assent. 'You have come from home on a matter', he began. Pointing to the official witness, he said, 'You have accused this boy (pointing to Bodile) of witchcraft. No. I'm making a mistake on purpose. You have not come for this reason.' Looking into a large shell, he continued, 'You have come on a different errand. You have come about money. The sum concerned is £30. No. It is £15. No. It is £10. The owner of the money sells hemp.' Continuing in this manner in short phrases, to which the party responded '*Ya vuma*,' and, suggesting first this, then that, he eventually said, 'I don't like to cause brothers by the same father to fight. Your quarrel is a vain one. The money was stolen by a woman of the Crocodile totem living near your village. She has not yet used the money.' Pointing to Bodile, he said, 'You, why do you want to kill him [Madana], and you [Madana] be careful. They may kill you with medicines they have just bought.' Turning to the official witness, he demanded, 'Give me my *phiriko* (hidden object). What kind of thing is this which is hidden from me? It is a snuff-box. No. It is a half-crown. No. It is a penny. No. It is European iron. If you think I am telling lies, take out of your left-hand pocket the thing which you have been given.' The official witness took out of